Policy Review

1. Purpose of Report

1.1 To present to the Panel additions and amendments to Human Resource Policies.

2. Outcomes

2.1 The amendment to existing policies and procedures.

3. Recommendation/s

3.1 That the Panel approve the policies and arrangements set out in Section 5.

4. Background

4.1 From time to time the Council needs to develop new policies and working arrangements to ensure we comply with statutory requirements and effectively manage our human resources.

4.2 The development of new policies and the review of existing policies will also be informed by employment best practice and the organisational needs of the Council.

5. Key Issues and Proposals

5.1 Drug & Alcohol in the Workplace Policy

Time off for Trade Union Duties

Zero Tolerance Policy

Managing Restructures and Changes of Terms and Conditions.

Agile Working Policy

Appendix 1 Reviewed

Appendix 2 Reviewed

Appendix 3 Reviewed

Appendix 4 New

Appendix 5 New
5.2 Drugs and Alcohol Workplace Policy. This has been updated for useability and readability purposes with some additional information such as Legal Responsibility and Health Risks. Instead of track changes new information is highlighted in red and that which is to be taken has been crossed through.

5.3 Time off for Trade Union Duties. This policy has been reviewed and now includes a paragraph on trade union recognition, collective bargaining and further clarification on what paid time off is available to trade union officials and trade union members. It also makes clear the need to record the time off taken as the Council will need to publish this in accordance with the Code of Practice on Data Transparency.

5.4 Zero Tolerance Policy. This document has been rewritten and now clarifies roles and responsibilities and includes sections on risk assessment, incident reporting, training and support.

5.5 Managing Restructures and Changes of Terms and Conditions. This is a new document that has been written as a guide to managers who need to conduct an organisational restructure that may result in changes to terms and conditions of employment, significant job change and/or redundancies. It includes advice on putting together a proposal for change, obtaining approval and conducting formal staff and trade union consultation.

5.6 The Agile Working Policy replaces the Home Working Policy and provides a framework that enables staff to utilise modern technology to work flexibly from any location whether it be from a Council building, from home or in the community.

### FINANCIAL AND LEGAL IMPLICATIONS

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<thead>
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<tr>
<td>Legal</td>
<td>There are no specific Legal issues associated to this report. However failure to comply with appropriate legislation may expose the Council to litigation.</td>
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### OTHER RISKS/IMPLICATIONS: CHECKLIST

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

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<thead>
<tr>
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Health and Safety  x  

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**List of Background Papers:**

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**LIST OF APPENDICES**

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Appendix 2. Time off for Trade Union Duties  
Appendix 3. Zero Tolerance Policy  
Appendix 5. Agile Working Policy

arm/empap/cr/14/1003mo1
Drugs and Alcohol in the Workplace Policy

Reviewed March 2014
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1. **Introduction**

1.1 Wyre Council is committed to providing a safe and productive work environment and to promoting the health, safety and well-being of its employees. The drugs and alcohol policy is designed to ensure that employees are aware of the health risks associated with alcohol and drug misuse; outline the help and support available for staff and managers on these issues; and set out the consequences for those who are found to be misusing drugs and/or alcohol at work.

1.2 At work, alcohol or drug misuse can result in reduced levels of attendance, substandard work performance and increased health and safety risks not only for the individual concerned but also for others, for example work colleagues, members of the public, contractors, service users. Furthermore, the effects of alcohol or drug misuse are likely to be detrimental to the Council’s reputation and image and its ability to deliver high-quality services.

1.3 The Council treats drug and alcohol dependency as a health problem that requires special treatment rather than as a disciplinary matter, although we reserve the right to take disciplinary action to deal with the problem if this is appropriate.

1.4 The Council actively discourages the drinking of alcohol during the working day, which also includes all breaks during the day.

2. **Objectives**

2.1 The policy aims to:

- raise staff awareness of the risks and potential harm to health associated with the use of intoxicating substances
- Set out the support available to employees who may be misusing drugs or alcohol and encourage them to seek help.
- set out the rules regarding the use of intoxicating substances so that employees are aware of the likely consequences for their employment of misusing them
- provide a framework to enable instances of substance misuse by employees to be handled in an appropriate, fair and consistent manner
- achieve a balance between supporting employees who come forward with a problem and the overriding need to preserve:
  - the health, safety and welfare of employees and others with whom they come into contact
As well as

- the Council’s reputation, and
- the delivery of high quality, effective services.

2.2 The policy is not intended to penalise those who are legitimately taking medication which may have unforeseen side effects affecting their performance.

3. Scope

3.1 This policy covers the use and misuse of intoxicating substances, which include alcohol, solvents, legal and illegal drugs, prescription and over-the-counter medicines and other substances that could adversely affect work performance and/or health and safety.

3.2 This policy applies to ALL employees.

3.3 The Council also expects agency and casual workers, contractors, volunteers and others working on its behalf to comply with this policy. Failure to do so is likely to result in the working arrangements being terminated.

4. Legal Responsibility

4.1 Employers and employees are expected to abide by the law. Employers can be prosecuted if they fail to take action once aware that controlled drugs are being used, supplied or produced on their premises. Employers are required to take action if an employee’s behaviour is putting themselves and/or other people at risk. This helps create a safe and healthy working environment. Employees are required to take reasonable care of themselves and others who might be affected by their behaviour and to co-operate with employers. The legislation which refers to alcohol and the misuse of drugs includes:

4.1.1 The Misuse of Drugs Act of 1971. The Act makes the production, supply and possession of these controlled drugs unlawful except in certain specified circumstances (for example when they have been prescribed by a doctor). If the Council were to knowingly permit the production or supply of any controlled drugs, the smoking of cannabis or certain other activities to take place on the premises they would be committing an offence.

4.1.2 The Management of Health and Safety at Work Regulations, 1992 The council has the responsibility to assess the risks to the Health and Safety of its employees. If the council knowingly allows an employee under the influence of drug misuse to continue working and his or her behaviour places the employee or others at risk, they could be prosecuted. Our employees are also required to take reasonable care of themselves and others who could be affected by what they do at work.
4.1.3 **The Health and Safety at Work Act, 1974** The council has a duty to ensure the health, safety and welfare at work of its employees as far as is reasonably practicable.

4.1.4 **The Transport and Works Act of 1992** This act states that any person who is unfit to drive through drink or drugs shall be guilty of an offence. An offence is also committed if a person unfit through drink or drugs is in charge of a motor vehicle in the same circumstances.

5. **Health Risks associated with the misuse of intoxicating substances**

5.1 The inappropriate use of alcohol or drugs can damage the health and well-being of employees and have far-reaching effects on their personal and working lives.

5.2 **Alcohol**

While drinking within the Government's suggested guidelines has minimal detrimental effect on health, there are several health risks associated with drinking too much alcohol. These include anxiety, slowed breathing and heartbeat, and impaired judgement leading to accidents and injuries. Drinking heavily can also lead to an increased risk of a variety of cancers.

Consuming large amounts of alcohol increases blood pressure. This puts a strain on blood vessels and is a major risk factor for strokes. Other health risks include osteoporosis (thinning of the bones), pancreatitis (inflammation of the pancreas), stomach ulcers, heart disease, dementia and other brain damage. Alcohol is also frequently associated with mental health problems.

Further information about the health risks of drinking too much alcohol can be found at [www.drinkaware.co.uk](http://www.drinkaware.co.uk).

5.3 **Drugs**

Health risks depend on the drugs taken and include:

- increased risks of developing certain cancers
- depression and more severe mental health problems
- brain damage
- vascular disease.

More information can be found at [www.talktofrank.com](http://www.talktofrank.com).
6. Responsibilities of Managers and Employees

6.1 The Role of the Manager

Drinking alcohol is an accepted part of social life for many people and it can be hard for managers to identify the difference between appropriate drinking and alcohol abuse. Similarly, recognising the signs of drug abuse can be difficult. It should be emphasised that managers are not expected to be experts in this area, and if they have to deal with such issues they will be given full support and guidance from the Human Resources team in liaison with Occupational Health.

Employees with a drink or drugs problem may have higher absence levels than their colleagues, but this will not always be the case. Similarly, performance may not always be adversely affected. Managers therefore have a twofold role in dealing with these issues:

- Where appropriate, to highlight the effect on performance, conduct or attendance, and
- To encourage the individual to seek help to deal with their dependence, and offer appropriate support.

As a starting point, where a Manager is aware, or suspects, that an employee is misusing intoxicating substances, they must seek advice from Human Resources. The Manager will then need to talk to the individual before any further action is taken.

6.2 Manager’s responsibilities

Managers are required to:

- be aware, as far as possible, of the signs of alcohol and substance misuse and the effects on performance, attendance and health of employees
- be aware of the duty of care to ensure the health, safety and welfare of employees and others with whom they come into contact (including their colleagues)
- ensure that staff understand the policy and are aware of the rules and consequences regarding the use of alcohol, drugs and other intoxicating substances
- ensure that should staff have a problem with alcohol or drugs, staff are aware of the support that is available to them both within the Council and through external organisations
- monitor the performance, behaviour and attendance of employees as part of the normal supervisory relationship. If appropriate, keep accurate records of instances of poor performance, attendance or conduct to enable appropriate action to be taken (see Capability Policy, Disciplinary Policy, Promoting Attendance Controlling Absence Policy). Managers should intervene at an early stage where changes in performance, behaviour, sickness levels and/or
attendance patterns are identified. Where a manager suspects substance abuse may be causing the problem, they should first discuss the situation with HR.

- establish whether alcohol or drug misuse is an underlying cause
- provide support and assistance, where appropriate and for a reasonable period, to staff who are dependent upon intoxicating substances to help their recovery
- instigate disciplinary measures where appropriate to do so.

6.3 Employees Responsibilities

Employees are required to:

- Familiarise themselves with this policy and comply with its provisions.
- Present a professional, courteous and efficient image to those with whom they come into contact at all times. They therefore have a personal responsibility to adopt a responsible attitude towards drinking and taking prescribed and over-the-counter drugs.
- Employees are not permitted to possess, store, trade or sell controlled drugs on Council premises or bring the Council into disrepute by engaging in such activities outside of work. The only exception in relation to possession is where an employee has a prescription for a controlled drug, however trading or sale of such prescription drugs is not permitted.
- Employees are strongly encouraged to seek help if they have concerns regarding their alcohol or drug consumption. It is recommended that they approach either their line manager or the Human Resources Team in the first instance so that the Council can arrange for the provision of appropriate support to help speedy rehabilitation, for example referral to the occupational health service, medical professionals, professional drug/alcohol treatment agencies.
- Employees are expected to co-operate with any support and assistance provided by the Council to address an alcohol or drug misuse problem.
- Employees should not, even with the best of motives, ‘cover up’ for, or collude with, a colleague with an alcohol or drug-related problem but instead should encourage the individual to seek help.
- Where the individual concerned does not wish to come forward to seek help, and their colleague(s) genuinely suspect that the individual may be misusing drugs or alcohol, they have a responsibility to raise their concerns with the employee’s line manager.
- Employees must inform their line manager if they are taking prescription and non-prescription medication that may affect their ability to carry out their duties at work.
- Concerns or suspicions regarding a member of staff being under influence or taking intoxicating substances can be reported through the
whistleblowing policy.

- Employees must attend Occupational Health appointments if referred and comply with the recommendations given. Failure to do so may result in disciplinary action.

### 7. Confidentiality

7.1 The Council will treat issues relating to dependence on, or misuse of, alcohol or drugs in confidence, within the limits of what is practicable and within the law. In order to provide effective support and help, it may be necessary, for example, for information to be shared with others for example, the individual's Manager; occupational health and/or Human Resources, but this will be kept to a minimum.

### 8. Help and Support

8.1 Employees are strongly encouraged to seek help if they have concerns regarding their alcohol or drug consumption. In addition to the individual's GP, there are a number of agencies which offer help and support for those experiencing problems with drugs or alcohol. A list is available at Appendix C.

8.2 If the individual has concerns about the way in which their consumption of drugs or alcohol is affecting their work, they may wish to approach their manager or Human Resources in the first instance. Human Resources will then arrange an Occupational Health appointment with forward signposting to appropriate support to help speedy rehabilitation, for example referral to medical professionals, professional drug/alcohol treatment agencies, and so on.

8.3 Where an employee has disclosed that they have a drug or alcohol problem, the Council will always adopt a constructive and supportive approach to assist them to address it. This may include allowing time to off for attending rehabilitation, counselling or medical appointments related to the problem, subject to the normal rules on Sickness Absence.

8.4 Help and support is also available for managers who are dealing with an employee who is dependent on alcohol or drugs. Human Resources can be contacted for confidential advice and support.

8.5 Confidential telephone counselling and support can be accessed through the Council’s Employee Assistance Programme on 0800 882 4102, 24 hours a day, 365 days of the year. Much information and advice is also available on their website – www.pamassist.co.uk.
9. **The requirements of the Policy**

9.1 **During working hours**

9.1.1 Employees must report for work, and remain throughout the working day, in a fit and safe condition to undertake their duties.

9.1.2 Consumption of alcohol during the working day, including breaks, whether inside or outside the office, is actively discouraged, as the smell of alcohol on the breath is likely to create an unfavourable impression and impact on credibility. It may also affect performance and/or behaviour, which could lead to formal action being taken against an individual.

9.1.3 Employees may not consume alcohol on Council premises, except at work related functions or activities, although appropriate authorisation must be sought from the relevant Head of Service or Director and then only moderate and sensible levels of alcohol should be consumed.

9.1.4 Where work related functions or work-related activities take place at the end of the working day, after which employees are not returning to work (for example a team visit to the pub), no authorisation need be sought from Directors for the consumption of alcohol. Where the individual is representing the Council, however, (for example attending an evening reception, seminar etc), they should bear in mind their responsibility to maintain a professional image and should behave accordingly.

9.1.5 Employees must not take drugs at any time during the working day, including breaks spent at or away from work premises, with the exception of drugs prescribed for the individual or over-the-counter medicines used for their intended purpose (in accordance with the instructions given by the prescriber, pharmacist or manufacturer).

9.1.6 Employees must notify their staff and work manager(s) as soon as possible if they are using prescribed medication that may cause serious side effects and which is likely to impair their ability to undertake their duties safely and effectively.

9.1.7 Employees who experience serious side effects as a result of taking prescribed or over-the-counter medicines that impair their ability to perform their duties safely and satisfactorily must notify their staff or work manager as soon as possible. This is particularly important if they occupy a post where it is not only their own safety but the safety of others that could be jeopardised. (Note that this is only applicable if the employee is attending work – there is no requirement to notify managers about medication prescribed or taken during periods of sickness absence unless it will continue to be taken after the employee’s return to work.)

9.1.8 Employees are not obliged to disclose either the actual medical condition being treated or the medication – simply the impact/side effects.
9.2 **Outside Working hours**

9.2.1 Employees must not consume intoxicating substances before coming on duty or when they may be required to attend work at short notice, for example when they are on call.

9.2.3 Intoxicating substances such as alcohol may remain in the system for some time and even small amounts can impair performance and jeopardise safety. Employees are personally responsible for allowing sufficient time for the intoxicating substance to leave their system before reporting for work.

### 10. Breaches of the policy

10.1 The Council will, where appropriate to do so, adopt a constructive and supportive approach when dealing with employees who may be experiencing drug or alcohol dependency/addiction. This means that employees seeking assistance for an alcohol dependency or substance misuse problem will not have their employment terminated simply because of their dependence/addiction.

10.2 However, if performance, attendance or behaviour is unacceptable, despite any support and assistance that can be offered, ultimately dismissal may be unavoidable.

10.3 Notwithstanding the above, there will be circumstances where breaches of the policy, whether dependency-related or not, will be treated as a disciplinary matter and may result in the summary dismissal of the employee. Examples of issues that will be subject to disciplinary action, including the possibility of dismissal, are:

- deliberate disregard for personal safety and that of others associated with the use of intoxicating substances
- unacceptable behaviour in the workplace associated with the use of intoxicating substances
- being found incapable of performing normal duties satisfactorily and safely as a result of consuming alcohol or taking drugs
- possession, consumption, dealing/trafficking, selling, storage of controlled drugs either on work premises or engaging in such activities outside of work
- being disqualified from driving as a result of alcohol- or drug-related offences (employees required under their contract of employment to drive a vehicle)
- making malicious or vexatious allegations that a colleague is misusing intoxicating substances.
- not complying with reasonable management instruction or Occupational Health recommendation.

This list is illustrative only and should not be regarded as exclusive or exhaustive. Any disciplinary action will be in all cases proportionate to the circumstances of the breach of the policy.
10.4 Where evidence warrants, the Council will inform the police of illegal drug use or any activity or behaviour over which there are concerns as to its legality. For example, it would be necessary to report criminal behaviour associated with alcohol abuse such as having a drink-driving accident in a work vehicle.

11. Equality Impact Assessment and Monitoring

11.1 The operation of this policy will be monitored for its impact on different staff groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.


12.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with the requirements of the Data Protection Act 1998.
APPENDIX A

Definitions

Intoxicating substance – a substance that changes the way the user feels mentally or physically. It includes alcohol, illegal drugs, legal drugs, prescription medicines (for example tranquilisers, anti-depressants, over-the-counter medicines), solvents, glue, lighter fuel.

Controlled drugs – these are drugs covered by the Misuse of Drugs Act 1971. They include both drugs with no current medical uses as well as medicinal drugs that are prone to misuse. All are considered likely to result in substantial harm to individuals and society.

Harmful/problematic use or misuse – use of an intoxicating substance or substances that harms health, physical, psychological, social or work performance but without dependency being present.

Dependency – a compulsion to keep taking an intoxicating substance either to avoid effects of withdrawal (physical dependence) or to meet a need for stimulation or tranquillising effects or pleasure (psychological dependence).

Addiction – a state of periodic or chronic intoxication produced by the repeated intake of an intoxicating substance. This means that a dependency has developed to such an extent that it has serious detrimental effects on the user and often their family as well, and the individual has great difficulty discontinuing their use. The substance has taken over their life.
APPENDIX B

Possible indicators of alcohol or drug misuse

Alcohol and drug misuse impairs judgement, concentration and co-ordination amongst other problems. The following are signs of possible alcohol or drug misuse. It is important to note that these can also be caused by other factors, such as stress, physical illness, mental health problems or the effects of prescription drugs; each case should be considered on its merits and you should not automatically assume that drugs or alcohol are the cause. If you have any concerns about an employee who shows some of these signs, you should raise the matter with HR Employee Relations.

- Erratic performance
- Unusual irritability or aggression
- Dilated pupils
- Hand tremor
- Increased incidents of accidents or near misses
- Overconfidence
- Inappropriate behaviour
- Sudden mood changes from extreme happiness to severe depression
- Reduced response times
- A tendency to become confused
- Reduced productivity
- Absenteeism
- Poor time-keeping
- Indiscipline
- Reduced concern for personal appearance
- Deterioration in relationship with colleagues, customers or managers
- Dishonesty and theft
- Financial irregularities
APPENDIX C

Agencies and support mechanisms

- **Employee Assistance Programme**: 0800 882 4102
- **Alcoholics Anonymous**: 0845 769 7555 - the largest self-help group for people who acknowledge they cannot handle alcohol, and want a new way of life without it, the service is free.
- **Alcohol Concern** has a website (www.howsyourdrink.org.uk). It is for people worried about their alcohol consumption. The website enables people to assess their alcohol consumption, along with recommended courses of action, such as contacting treatment centres or online interventions.
- **Drinkline**: 0800 917 8282 – a government funded free service. Can provide advice to the drinker or anybody concerned about the drinker. Has a database of local support and treatment services that can help the drinker. Website (www.Drinkaware.co.uk)
- **Drugline Lancashire**: 01772 825492 - a comprehensive substance use and support service www.druglinelancs.co.uk
- **Employee’s General Practitioner**
- **Addaction** – offering help to those affected by drug and alcohol problems. Local support from Moving Forward Service: 01253 752100, 49-55 Cookson Street, Blackpool FY1 3DR.
- **FRANK**: is a confidential, anonymous, discreet and well informed friend ready to offer advice, information and support on drugs issues. FRANK is available by phone: (0800 77 66 00) on the web: (www.talktofrank.com) or by e-mail: (frank@talktofrank.com). You can talk to FRANK in 120 languages and you can text FRANK on (0800 917 8765).
- **Narcotics Anonymous**: 0845 373 3366 – the largest self help group for people who want to stop using drugs, services are free. Website (www.narcoticsanonymous)
- **Cocaine Anonymous**: 0800 612 0225, open 10am to 10pm – a national self help group specifically for cocaine users. Website (www.cocaineanonymous)
- **Adfam National**: 020 7553 7640 – the largest non-statutory organisation that works with and on behalf of families affected by drug and alcohol problems. Helpful for the family of the alcohol or drug user. Website (www.adfam.org.uk)
- **Samaritans**: 08457 90 90 90 or email jo@samaritans.org
Time Off for Trade Union Duties
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# Wyre Council Time off for Trade Union Duties

## 1. Introduction

1.1 Wyre Council values the importance of positive working relations between Elected Members, managers and employees in the delivery of Council Services.

1.2 Trade Union representatives have a statutory right to time off, both paid and unpaid, for trade union duties, activities and training. It is for the Council to determine the appropriate level of time off (paid and/or unpaid) that will be granted to Trade Union representatives in accordance with this Policy.

The provisions within this Policy comply with the relevant statutory provisions for time off for trade union activities and with the guidance contained in the ACAS Code of Practice on Time Off for Trade Union Duties and Activities.

The amount of time off is determined by the nature of activities, operational demands and whether or not the representative belongs to a recognised trade union.

1.3 **Definition of a “Trade Union Representative”**

Within this Policy, the term “Trade Union Representative” is intended to cover: Trade Union Officials, Trade Union Shop Stewards, Trade Union Representatives and, where appropriate, Union Learning Representatives and/or Safety Representatives.

1.4 **What is trade union recognition?**

A trade union is “recognised” by an employer when it negotiates agreements with employers on pay and other terms and conditions of employment on behalf of a group of workers. This process is known as ‘collective bargaining’.

A trade union may seek recognition in an organisation by voluntary or statutory means. Wyre Council have formally ‘recognised’ the following unions: Unison, GMB and UCATT.

Where a non-recognised Trade Union wishes to be recognised by the Council for collective bargaining and representation purposes, they must make a written application to the Head of Business Support.

## 2. Time off for trade union duties

2.1 Wyre Council will grant union representatives reasonable time off with pay during working hours to undertake the following duties:

1. Negotiation in connection with matters for which the trade union is recognised for collective bargaining purposes i.e.

   - terms and conditions of employment, e.g. pay, working hours, holidays, pensions, sickness absence arrangements, notice periods, training, learning,
equality and diversity;

- physical conditions in the workplace, e.g. workplace environment and operation of equipment or machinery;
- allocation of work or duties, including flexible working arrangements, work-life balance issues, job evaluation and grading;
- appointment (or failure to appoint) and termination or suspension of employment or the duties of employment of one or more workers (e.g. recruitment and selection policies, redundancy and dismissal arrangements);
- disciplinary matters, e.g. disciplinary procedures, including representing or accompanying workers during the disciplinary process and acting as a witness before agreed appeal bodies or tribunals;
- trade union membership (i.e. representational arrangements, any union involvement in the introduction of new workers);
- procedures for negotiation and consultation e.g. collective bargaining, grievance procedures and joint consultation arrangements.

2. Obtaining information from, and consulting with Wyre Council on redundancy (as identified under s.188 of TULR(C)A).


2.2 Trade union representatives are statutorily entitled to take a reasonable amount of paid time off to accompany a worker at a disciplinary or grievance hearing regardless of whether they belong to a union that has been recognised by Wyre Council.

They must however have been certified by their union as being capable of acting as a worker’s companion.

2.3 Time off for training purposes

The Council recognises that on their appointment, trade union representatives need to be suitably trained to undertake their role, and therefore will support the principle of representatives undertaking training that provides the relevant skills and knowledge for their particular role.

Consideration will therefore be given to providing reasonable time off with pay for Trade Union Representatives to undergo training in employee relations and health and safety matters which are relevant to the carrying out of their duties; such training will be approved by the Trade Union Congress or by the independent trade union of which they are an official.

Requests for time off to attend trade union training courses should be made to the relevant Head of Service. Details of the request should include the course title, the name of the provider, course syllabus and timing and duration of the training, location etc.
2.4 Time Off: Duties not directly linked to the work of the Council

Time off may also be considered for trade union representatives and trade union members to represent the union at meetings and activities that are not directly related to employee relations between the Council and its employees. Consideration of any request for time off for such purposes will take into account the operational requirements of the service in relation to the employee’s job.

Paid time off for delegates to attend other meetings / conferences will be at Management discretion and those wishing to attend should apply to their Head of Service.

2.5 Time Off: Employees who are trade union members

Every employee who is a member of a recognised trade union is entitled to have reasonable time off during working hours in order to take part in trade union activities.

Trade union activities for members may include:

- Attending workplace meetings to discuss and vote on the outcome of negotiations with the employer
- Meeting trade union officials to discuss issues relevant to the workplace
- Voting in union elections
- Meeting with Trade Union Learning Representatives.

Where trade union representatives intend holding meetings with their members these should, unless there are exceptional circumstances be agreed by the relevant Head of Service and take place immediately before or at the end of normal working hours / shifts or during meal or other break times, to ensure that disruption to services are minimised.

Paid time off for Trade Union Members in these circumstances will be at the discretion of the relevant Head of Service and will normally be in relation to choosing trade union representatives or giving and receiving information and /or consultation on Wyre Council matters.

Branch officials should always consult with Human Resources in such cases.

2.6 Industrial Action

There is no right to time off for Trade Union activities which themselves consist of industrial action or any other action being taken in the furtherance of a trade dispute.

Examples would include attending a strike, rally or a demonstration during working hours. However, where a Trade Union Representative is not taking part in industrial action, but undertaking duties connected with the dispute e.g. attendance at related meetings with the Council about the dispute including discussions about exemptions, normal arrangements for time off with pay as outlined in this Policy will apply.
### 3. Procedures for requesting time off

**3.1** In order to minimise disruption to Wyre Council business, line management should be notified of all scheduled trade union meetings. All meetings should be diarised and other than in exceptional / emergency circumstances, requests for paid / unpaid time off should be made in advance.

**3.2** Requests for time off for extended periods such as training should be made in writing to Heads of Service using the pro forma ‘Request for Time off for Trade Union Duties and Activities’.

All requests for time off will be considered on an individual basis with due regard to efficient running of the service. Managers must ensure that all requests are dealt with promptly.

*N.B. Heads of Service may, if they wish, delegate authorisation of requests for time off to an appropriate level of line management within their Service Area, to enable requests to be determined as quickly as possible.*

All trade union representatives are required to keep a record of all time off taken during office/ working hours using the ‘Log of Time off for Trade Union Duties and Activities’. This information should be sent to Human Recourses on a quarterly basis so that the data can be collated and published in accordance with the Code of Practice on Data Transparency.

**3.3** **Reasonableness**

Both parties must accept the need to be flexible and the determination of reasonableness will ultimately depend on the needs of the business at the time of the request. However, managers will give consideration to the nature and timing of the request, the amount of time off previously granted or planned for the future, and the number of representatives or members seeking time off within a given period.

### 4. Equality Impact Assessment and Monitoring

**4.1** The operation of this policy will be monitored for its impact on different staff groups, and particularly in relation to race (in line with the Race Relations (Amendment) Act 2000), gender, age and disability. This annual review will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

### 5. Data Protection Act 1998

**5.1** In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with the requirements of the Data Protection Act 1998.
APPENDIX 3

Wyre Council

Zero Tolerance Policy

March 2014
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| 1.1 | Wyre Council is committed to providing a safe and secure working environment and acts or threats of physical violence, intimidation, harassment, verbal abuse or coercion which an employee is subjected to during the course of their duties will not be tolerated.  

The Council will deal with all instances of violence or abuse in a robust and proactive manner. The Zero Tolerance Policy and associated policies and procedures have been put in place to reduce risk and to enable staff to manage an aggressive or violent situation should it arise. |
| 1.2 | An act of work-related violence or aggression is defined as any incident in which a person is faced with an aggressive or violent situation, is verbally or physically abused, threatened or assaulted whilst undertaking duties expected of them in the course of their employment, regardless of the location at which it occurs.  

These include, but are not limited to:  

**Verbal Abuse:** any verbal abuse issued with the intent of creating distress, fear or intimidation to another individual, or group of individuals.  

**Physical Abuse:** any intentional movement of the body which may include touching, gesturing, pushing, striking, stalking, spitting, any unwanted intrusion of “reasonable space” of an employee or an intentional use of any object towards an individual.  

**Creating a Hostile Working Environment:** any intentional non-physical action that can be considered intimidating or harassing or which involves the explicit or implicit challenge to the safety, well-being or health of an individual.  

**A hate crime:** any criminal offence, perceived by the victim or any other person, as being motivated by hostility or prejudice based upon the victim’s disability, race, religion or belief, sexual orientation or gender identity. This could include verbal abuse, physical assault, damage to property, threats, intimidation or harassment. If no criminal offence is committed it will be recorded as a hate incident.  

The Council will make clear its stance on zero tolerance through prominent information in public places:  

- Benefit Mobile Advice Centre  
- Civic Centre Reception  
- Copse Road Depot |
| 1.3 | and will use the full extent of the law to protect its employees and support them in the prosecution of offenders. |
### 2. Associated Policies

| 2.1 | **The Dignity at Work Policy** – makes a clear statement that unwanted or unaccepted harassment, bullying, victimisation or discrimination will not be tolerated. |
| 2.2 | **Whistleblowing Policy** – provides a confidential route for concerns to be brought to the attention of the Council without any fear of reprisals. |
| 2.3 | **Occupation Health and Safety Guidance – Personal Safety at Work** states that the Council will not tolerate any acts of violence or aggression towards or from any of its employees and will implement suitable controls to prevent or eliminate work related violence and aggression. |
| 2.4 | **Training for employees to manage conflict / personal safety** – aimed at equipping our employees to handle conflict and understand the issues of personal safety and the need for appropriate risk assessment and control measures. |

### 3. Roles and Responsibilities

| 3.1 | **Managers:** |

Managers should ensure that the Council’s policy and agreed procedures are communicated to service-users and visitors and that they are made fully aware that the Council will report any assaults on employees to the Police.

Notices to this effect are displayed prominently within service areas.

**Key responsibilities:**

- Encourage and support staff to report all incidents of abuse
- Establish a safe system of working and ensure that they have specific guidance for their service areas which is written and communicated appropriately to staff. This should include arrangements for lone/mobile workers;
- Carry out an assessment of the risk of violence /abuse within their working environment;
- Ensure that staff attend appropriate training;
- Ensure that records are maintained of risk assessments and training and that all reporting documentation has been completed;
- Ensure that staff receive relevant and timely support following incidents;
- Investigate reported incidents;
- Inform staff of the outcome of the investigations;
- Take appropriate action against service users who assault, threaten or abuse staff;
- Evaluate the effectiveness of any measures undertaken.
3.2 **Employees:**

All employees will conduct themselves in such a way as to reduce the possibility of any conflict and will not act in a way that would create a violent, abusive or unsafe workplace environment for themselves and others.

If confronted with a situation that has the potential to escalate into an abusive/violent incident an employee must make a serious attempt to remove him/herself from the situation and report the event to management.

**All staff have the responsibility to:**
- Identify high-risk situations and agree action plans with managers as part of the risk assessment process;
- Report and complete incident reports in an accurate and timely manner;
- Undertake all training identified as appropriate to their role;
- Always work in a professional way and be aware of how their own behaviour might be perceived by others;
- Consider the safety of others who may be affected by their actions or omissions;
- Make appropriate use of any personal safety equipment and facilities provided.

### 4. Risk Assessments

4.1 Prevention of violence/abuse at work must start with a full assessment of the risks. Risk Assessments should be carried out in line with the Council’s Health and Safety Policy and appropriate control measures will be implemented to protect individuals in their working environment.

4.2 Risk assessments should be in place to cover all reasonably foreseeable risks of violence or abuse.

In making a risk assessment the following may indicate that there is a risk of abuse or violence:

- Dealing with intoxicated / angry or distressed members of the public
- Dealing with customers suffering from mental illness or stress
- Customers who are confused / disorientated / suicidal / have a known criminal history
- High-risk areas with contentious issues or complaints
- Lone working
- Situations where money, or other valuables may be a target for theft
- When withholding or withdrawing a service / benefit

4.3 The list shown above is not exhaustive and managers must take care to assess all possible personal security risks within their responsibility. Police assistance should be sought where the presence of drugs/weapons has been detected and/or to deal with violence or threatened/suspected violence.
4.4 When dealing with a known or suspected violent or abusive individual, under no circumstances should staff see such people on their own. They should seek advice from their Line Manager before face-to-face meetings are arranged.

5. Training

5.1 Managers are responsible for ensuring their staff receive the training appropriate to their needs for their job role as identified in the risk assessment. The type of training will depend on the area of work and the risk assessments associated to those activities.

Some of the training interventions that may be identified include:
- Risk assessment
- Customer care
- Dealing with aggression
- Complaint handling
- Incident reporting

6. Incident Reporting

6.1 Physical Assault or Threat of Physical Violence

In the event of physical assault in the workplace the Head of Service and the Health and Safety Advisor should be contacted immediately.

The line manager will ensure that all possible preventive action is taken to minimise the risk of a similar incident occurring. Actual incidents of violence and near misses will be reviewed as soon as possible after they occur, as a means of assessing whether or not there are any improvements that can be made to the risk assessment.

6.2 Police Involvement

Council employees are entitled to ask the police to investigate alleged incidents of assault against them. Management should fully support staff wishing to take this course of action.
Where there has been an act of violence in the workplace and the individual wants to prosecute, the Council and the individual concerned would take advice from the police as to whether to proceed or otherwise.

6.3 Verbal Abuse

In the case of verbal abuse the Council may need to consider the seriousness of the incident before involving the police. For example, someone swearing at a member of staff could be dealt with administratively through warning letters about their behaviour. However, where the verbal abuse involves threats or the use of a weapon the police should always be informed.
6.4 **Hate Crime**

No hate incident or crime is too minor to report and staff are encouraged to report all incidents as soon as they occur. Wyre Council has a Hate Crime Officer who and can support and assist staff in doing so.

The Hate Crime Officer is Josh Durham 07791 318 772
josh.durham@wyre.gov.uk or you can report online at [www.wldhatecrime.net](http://www.wldhatecrime.net)

6.5 **Incident Report Form**

An incident report form must be completed by the employee subjected to the abuse / assault and forwarded to the relevant Head of Service and the Health and Safety Advisor.

On receipt of the incident report form, the line manager will ensure that any necessary support arrangements, such as counselling are offered.

Following a specific violent or aggressive incident by a member of the public/service user/visitor, and after appropriate consultation, the Head of Service will consider the possibility of banning the alleged offender(s) from Council premises.

7. **Equality Impact Assessment and Monitoring**

7.1 Data will be collected as part of the wider Health and Safety incident reporting and will form part of the normal reporting regime to the Management Team and the Joint Consultative and Safety Panel.

The operation of this policy will be monitored for its impact on different staff groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

8. **Data Protection Act 1998**

8.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with the requirements of the Data Protection Act 1998.

arm/empap/cr/14/1003mo1 appendix 3
Managing Restructures and Changes of Terms and Conditions

March 2014
1. **Introduction**

1.1 This Council is committed to ensuring that it has an organisational structure in place that delivers cost effective services to the people of Wyre. This structure is reviewed periodically to reflect service requirements and the need to achieve corporate performance objectives. This means that it becomes necessary to introduce changes to the staffing levels from time to time.

The document provides a framework for managing change effectively, fairly and consistently, through planning, consultation, and communication and in accordance with established good practice and employment legislation. This restructuring process will apply to all groups of staff other than Chief Officers.

2. **Delegated Powers**

2.1 The Officer Delegation Scheme - Record of Decision Form is the document used to record and collate the approval from all stakeholders to a proposal that involves a change in staffing resource. It is mandatory for all amendments to the structure, staffing levels or terms and conditions of employment.

2.2 A copy of the Officer Delegation Form can be found [here](#).

For minor changes the proposals can be outlined in the Summary of Recommendations.

For major changes or a series of changes involving a wider group of staff, teams or services (such as a restructure) a separate more detailed report should be attached.

3. **Managing Minor Change**

3.1 It is recognised that there may be occasions where managers need to implement changes to working practices in order to meet changing business needs more effectively and the transformation of services may often result in different methods of working or the introduction of new technology / equipment. Although this may bring about significant change in the way staff operate from day to day, the change to staffing structures and individual terms and conditions could be relatively minor.

3.2 Managers should always consult with Human Resources if the proposed changes, however minor, affect the individual’s contract of employment.

These changes should be documented using the Officer Delegation Form and managers should meet with staff either individually or collectively to explain the need to implement the changes and to ask for views before implementation.

See ‘Guidance notes for the completion of Officer Delegation Scheme Form’
for more detailed guidance on how to document your proposal.

3.3 Staff may wish to be accompanied by a Trades Union representative or colleague at a meeting to discuss changes to duties and working practices and this should be permitted.

4. Managing Major Organisational Restructure

4.1 Where there is an organisational restructure that may result in changes to terms and conditions of employment, significant job change and/or redundancies then the following process must be followed:

Management Planning (Pre-consultation)

4.2 Managers considering organisational change that may impact on staff must gather information to support the need for change and build in appropriate timescales for planning their restructure. This should include adequate time for drafting their report, the appropriate formal consultation period and sufficient time for implementation of the changes.

4.3 Once managers have established their business case for making changes and developed their proposals in relation to their new structures they will need to:

➢ Produce a report outlining their proposals with input from Human Resources and Financial Services.

➢ Obtain approval through the Officer Delegation Scheme, Corporate Director and/or Corporate Management Team in order to proceed to formal consultation and implementation.

4.4 It is important for managers to have a clear and accurate understanding of their current establishment in terms of: number of employees, post numbers, grades, hours, fixed term/permanent and details of employees who are on maternity/adoption or long term sick leave.

All new posts must have job descriptions and person specifications that have been subject to Job Evaluation.

If redundancies are likely then managers are advised to obtain the potential costs as early as possible in the process. This includes the potential estimated costs for redundancy payments and the costs for early release of pension for employees who are over 55.

5. Writing a Proposal

5.1 The report should be written in consultation with Financial Services and Human Resources and must include the following information:
- A clear rationale for making the changes / including the benefits of the proposals;
- Details of the current position including staffing structure and post numbers;
- The proposed staffing structure and how it will operate;
- The number and grades of staff who are at risk of redundancy, the measures to be taken to avoid potential redundancies and the proposed method of selecting the staff at risk of redundancy.
- The proposed method of recruitment to any new posts ensuring that all appointments will be made strictly in accordance with the Restructure Guidance document and Recruitment and Selection Policy.
- The financial implications of the proposals and reference where appropriate to entitlements to redundancy payments, protected pay arrangements or early release of LGPS pension.

5.2 ‘Slotting-in’

Slotting in applies where an employee is matched to a post without the need for an interview and:

- the duties of the postholder’s substantive role remains substantially the same in terms of grade, responsibility and job content.
- the essential requirements of the person specification are met
- there is only one person eligible for the post, or the number of eligible persons and number of posts equate

Once an employee has been identified as suitable for ‘slotting in’ to a post, it should not be proposed that they be ring fenced to any other position within the new structure.

Where there is more than one person ‘matched’ for a post or where the number of staff ‘matched’ is greater than the number of posts available the post will be ring fenced.

5.3 Ring-fencing’

Ring-fencing will apply where substantially similar roles are available but there are more matched employees likely to be displaced than available matching posts.

In which case the posts are reserved and ‘ring-fenced’ to those ‘matched employees’ i.e. those who would otherwise have met the criteria for ‘slotting in’.
‘Or
Where less similar roles are available but it is deemed that the new posts are potentially suitable for those staff in the same area of work whose posts are being deleted or substantially changed.

The number and nature of ‘ring fences’ will be agreed through consultation, and posts will be filled on a cascade basis meaning that higher graded posts will be dealt with first.

5.4 **Fixed term / temporary employees**

Temporary employees, who were appointed following a competitive selection process, may be considered for ‘slotting in’ or ‘ringfencing’ within the restructure process, provided they have at least one year’s continuous service in that matching post. Employees whose continuous service began after 1 April 2013 will require 2 years’ service to be eligible for slotting in. Short term temporary staff and seasonal staff are therefore excluded from this process.

5.5 **Employees on maternity leave**

Employers are under a statutory obligation to offer employees on maternity leave any suitable alternative vacancy. This means that if a vacancy that is suitable for the employee exists she must be offered the post even if this means that she is treated more favourably than other employees who are also at risk of redundancy.

Managers are strongly advised to seek advice from human resources if one of their employees affected by the restructuring is on maternity leave.

5.6 **Other considerations**

Any individual whose existing post either no longer exists or whose post has “changed” will become part of a pool of at risk staff. Any new posts or vacancies identified as part of the restructure should be ‘reserved’ for this at risk group in the first instance,

5.7 “Slotted in” staff are not part of this pool and will not be able to apply for these posts until the posts are opened up for competition to all council employees.

5.8 Salary protection will apply to any individual appointed up to two grades below their substantive post. Salary protection will apply for 2 years from the date of appointment.

Clearly there are a number of issues to be taken into account and final decisions on the filling of posts cannot be taken until after the consultation process is concluded. However those affected will be informed of their “at risk of redundancy” status at the commencement of the consultation process.
## 6. Formal Consultation.

### 6.1 Approval to commence consultation.

Managers will need to complete the Officer Delegation Form and obtain initial approval from their Corporate Director, Financial Services and Human Resources before staff / trade union consultation can commence.

In addition any proposal for early release must be considered by the Chief Executive in consultation with the Chief Finance Officer.

Managers must be guided by human resources when consulting on any organisational restructure that may result in changes to terms and conditions of employment, significant job change and/or redundancies.

### 6.2 Starting the process.

There are no set rules regarding the duration of the consultation period unless the statutory provisions described below apply but Human Resources will advise on what may be a fair and acceptable period given the complexity of the report.

Similarly there are no set rules on the number of meetings that need to be held. What is appropriate will depend on the suggestions put forward and the questions arising.

The Head of Service and / or human resources would normally inform the local trade union representatives of the intention to commence consultation. They should be given the initial consultation document, draft job descriptions, person specifications and any job evaluation detail and offered the opportunity to comment on the proposal, the grading process and intended procedure for achieving the restructure.

### 6.3 Consultation will commence with an initial meeting with staff to announce the restructure. At this meeting, you would set out the background and explain why the change was necessary, describe the differences between the current and proposed structure and how it would affect the service. As this is a sharing of information there is no entitlement to be accompanied by a Trade Union Representative or colleague at this first meeting.

### 6.4 Staff should be encouraged to spend time reading the restructure report and to put forward any suggestions that they may have. They can ask any questions or raise any concerns, although it would be prudent to deal with any individual concerns at the follow up consultation meetings.

### 6.5 Consultation meetings:

The Council is legally obliged to consult with staff on all contractual changes and to try and agree these by consensus. Consultation meetings should be
arranged as soon as the initial meeting has taken place. Staff may be accompanied by a Trade Union representative or colleague at these meetings.

6.6 Each member of staff must be allowed the opportunity to express their views, to raise any questions, and to discuss how the changes are likely to affect them personally. Managers must also ensure that they discuss individual options and explain how proposals for ring fencing/ slotting were reached and the criteria for selection in any competitive process.

6.7 **Keeping records**

It is important that written records are kept of all stages of the consultation process, including minutes of meetings and all communications with unions, employee representatives and individual employees.

6.8 **Statutory provisions for consulting in redundancy situations**

Where the Council is faced with a potential redundancy situation or where a restructure is likely to result in a variation of contracts there are certain statutory provisions it has to comply with under S.188 of the Trade Union and Labour Relations (Consolidation) Act 1992 and subsequent legislation.

The Council recognises three trade unions (Unison, GMB and UCATT) for the purpose of collective consultation for proposed redundancies and the dialogue would normally start during the formal trade union meetings (consultative groups or joint negotiating committee)

The statutory provisions set out a clear framework for formal trade union consultation and the human resources team will take the lead in such cases. Unilaterally imposing change without carrying out meaningful consultation may lead to grievances or constructive dismissal claims against the Council. Should a re-structure lead to the individual being made redundant, without appropriate consultation, the Council would be at risk of a complaint to an Employment Tribunal.

6.9 **Timescales for collective consultation:**

Where between 20 and 99 redundancies are proposed at one establishment within 30 days, consultation should begin at least 30 days before the first dismissal is to take effect; and

Where 100 or more redundancies are to arise at one establishment within 45 days, consultation should begin at least 45 days before the first dismissal is to take effect.

Where 19 (or fewer) redundancies are proposed, there is no statutory need for collective consultation. However, individual consultation and local collective consultation would still apply.

Note these consultation timescales also apply where a variation of terms are
likely to be imposed following a process of dismissal and re-engagement.

Human Resources will take the lead in all such cases.

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<td>7.1 At the end of the consultation period the Head of Service, in conjunction with the Corporate Director, will consider all comments and make a decision on the way forward.</td>
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<td>If the decision is to proceed with a change to the current structure, the reasons for the decision will be confirmed in writing to the staff and Trades Unions.</td>
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<td>7.2 The Human Resources Section will be responsible for the overall co-ordination of all ‘appointments’ made as a result of restructuring. Letters regarding notification of changes, slot-in or ring-fence proposals will be issued by Human Resources and all staff will be required to provide their written agreement to any contractual changes.</td>
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<th>8. Equality Impact Assessment and Monitoring</th>
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Agile Working Policy

March 2014
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1. Introduction

1.1 Wyre Council recognises the need to develop modern working practices that maximise service delivery and maintain a good work life balance.

Agile working is the term used to describe how employees can work flexibly from any location, whether it is from a Council building, within the community or by varying degrees of home working and hot-desking.

1.2 Although the majority of the roles within the Council cannot be classed as totally ‘agile’, there is considerable scope in many cases for some form of agile working. The extent of agile working is dependent on the nature of the role, the needs of the service and an individual’s circumstances. With careful planning, staff should be able to carry out their duties from a variety of locations.

1.3 The Agile Working Policy sets out a framework, within which work style arrangements can be developed and could include home working, hot-desking, mobile and remote working, to ensure that the most appropriate workplace locations are adopted.

1.4 The benefits of agile working include:

- potential increased flexibility and for improved work life balance
- reduced office space and more efficient and effective use of Council buildings
- benefits the environment by reducing the use of resources and travel related emissions
- may assist with the recruitment and retention of employees.

1.5 Historically flexible working and home working has been granted following an employee request. The aim of this policy is to introduce a matrix of working options that are available to employees and that managers can promote in order to deliver services in a more efficient and effective way. The policy will provide managers and staff with a better understanding of the basic principles of agile working by:

- providing greater flexibility as to where work is performed
- encouraging agile working wherever possible; and
- identifying a formal process by which agile working can be introduced.

Any proposal to introduce agile working will be mutually agreed between the line manager and the employee.

1.6 Agile workers:

- will be treated in the same way as their office based colleagues
- should not suffer a detriment financially, in terms of job satisfaction or career prospects.
- must adhere to all Council policies in the same way as office based colleagues.
- must be contactable by their line manager during all designated working hours.
- will not be entitled to claim travel expenses from home to the Council offices (unless they are 100% home based).
2. Work Style Arrangements

For the purpose of this policy Council staff fall into one of four categories:

2.1 **Fixed (100% desk allocation in a fixed location)**

These are employees who are required to spend most of their working time at a fixed location, for example, providing face to face customer services or using specialist equipment e.g. large reprographics equipment.

2.2 **Flexible (70% desk allocation e.g. 10 employees per 7 desks)**

Flexible staff are employees who are regularly away from the office or who can, on occasion work from home. Lots of Council staff could fall into this category and the degree of flexibility would need to be determined by the Head of Service in consultation with the employee.

2.3 **Mobile (33% desk allocation e.g. 3 employees per 1 desk)**

Employees who spend a significant proportion of their working time on the move and have the ability to work from any location at any given time and utilise whatever workspace is available to them be that in an office, on site, in the community or at home.

2.4 **Home based (0% desk allocation e.g. no specific desk allocation)**

Employees who predominantly work at home but occasionally come into the office for meetings with their manager/team.

3. Establishing Work Style

3.1 The Head of Service in consultation with Human Resources will determine which posts are appropriate to each work style. Where management consider that changes to existing work styles would enhance service delivery then they should contact human resources and initiate discussions with the employees and recognised trade union representatives.

3.2 **Which jobs are suitable?**

Generally any job that does not require time to be spent in one location for example to deliver face to face customer services or use specialist equipment, may be adapted for agile working. However consideration should also be given to:

- Inter-relationships with other jobs
- Communication with the public
- Communication with colleagues, the team and the manager
- Access to required information and technology
- Costs and savings etc.
3.3 Which employees will be suitable?

Not all individuals will be suitable candidates for agile working. Office dynamics and informal information flows may have a significant impact on the employee’s performance. There is also a greater emphasis on personal responsibility to achieve outputs and work effectively.

Some employees may develop better in a traditional office environment, and those without much experience in their role are likely to need closer supervision which would not be possible if they were working remotely.

4. General Considerations

4.1 Developments in technology are such that it is now possible to process information using various types of portable (mobile) electronic devices. These devices enable staff not only to work at different locations but also while they are ‘on the move’. Where it is identified that such practices would enhance service delivery or generate savings then managers may want to enter into negotiation and consultation with employees and their representatives (where appropriate) in order to introduce a change in working practice that will involve agile working.

4.2 When considering the practicalities of agile working both parties must be mindful of the following principles:

- Operational feasibility, performance standards, health and safety, data protection, and security of equipment must not be compromised.

- Discussions and consultations/negotiations with employees and their representatives (where appropriate) on contractual changes to terms and conditions of service must be done in consultation with human resources.

- Proposals to instigate agile working will be taken through the normal consultation/negotiation process including trade union consultation.

- All staff will continue to have a designated base for travel claim purposes, although they may choose to work from an alternative location to allow for improved efficiency and a more effective service.

4.3 Resource Implications

Consideration should be given to whether the additional cost of setting up an agile working arrangement whilst still retaining an office base outweighs the potential benefits. Potential savings could include, lower travel costs and reduced requirement for office space. Additional equipment and services may be required however, e.g. computer terminals, e-mail, answer phones/voicemail or pagers. There may also be additional costs to maintain regular communication with employees. Any decisions involving the use and provision of I.T. equipment should therefore be made in consultation with the IT Systems/Software Manager.
4.4  I.T. Provision

The Council’s I.T. team have developed remote working facilities that enable access to desktop facilities from various locations including the employee’s own home broadband connection. Arrangements can also be made for staff to access the secure Public Services Network (PSN) for such facilities as the DWP’s Customer Information System (CIS). Any request for regular home working and systems access should therefore be considered in consultation with I.T. and Telephony Services.

4.5 Security, Data Protection and Confidentiality

The use of unmanaged devices is regulated by legislative requirements and I.T. Services must be satisfied that the devices used are suitable, so that all processing of personal data under their control remains in compliance with the Data Protection Act 1998. An unmanaged device is one classed as not being owned by the Data Controller. i.e. Wyre Council. Examples of unmanaged devices include home computers, laptops, iPads, iPhones and other personal smartphones or home devices or devices owned by other third parties in relation to activities at Wyre. To address this issue for home working or similar situation the Council provides secure access to facilities via the “VMware Horizon View Client. Any other method of accessing data is prohibited.

The risks associated with a particular employee working occasionally from home will depend on the nature of the work, the type of records used, the access required and the employee’s home circumstances. Certain systems require additional security for example: the DWP’s CIS and gcfx.gov.uk email communications. Where these systems are to be access remotely IT should be contacted to discuss the appropriate actions required to satisfy the necessary controls.

The employee is responsible for the confidentiality of any records held remotely (either in paper or electronic form) and for their transportation to and from base. Only the minimum level of confidential information should be held remotely and any confidential waste, must be disposed of in accordance with Council policies. The employee must satisfy their line manager that the precautions taken are adequate to protect the Council’s responsibilities with regard to the Data Protection Act.

Agile workers will be responsible for taking adequate steps to ensure the security of Council equipment. They must ensure that they comply with the Council’s IT Computer Use Policy and that where Council’s equipment is provided, it is only to be used by Council employees. Personal confidential information held on electronic devices such as computers, mobile phones, PDA’s, encrypted memory sticks must be held securely, whether being accessed at base, from another Council site or remotely (including at home).

4.6 Hot Desking

A hot desk refers to a designated work space for any employee to use at any time. Where applicable, designated banks of hot desks should be used by visiting staff, or alternatively individuals should be allowed to ‘book’ a free desk within that service area. All staff should therefore be encouraged to assist this process by adopting a clear desk principle that enables use of the space by other members of staff.
4.7 **Health and Safety**

Employers are under a general contractual duty to provide a safe working environment and all employees should be made aware of arrangements to protect their health and safety, including personal security. Health and safety at work legislation applies whether employees are working in the office, remotely or at home.

Employees must also take reasonable care of their own health and safety and that of anyone else who might be affected by what they do. For homeworkers this is likely to include their own and others who may have access to the work space. It is the homeworkers’ responsibility to report all employment related hazards to their own or others’ health.

4.8 **Risk Assessments**

All agile workers need to have a risk assessment undertaken. Flexible and Mobile homeworkers may complete the self-assessment form on the intranet with homeworkers requiring a home visit by their manager.

4.9 **Insurance, Mortgage and Tenancy Arrangements**

Whilst agile working is covered by the Council’s Employer’s Liability Policy employees are required to notify their own insurance provider if the nature of their agile working includes working from home. Failure to inform domestic insurers may result in home insurance cover being rendered invalid.

Similarly, staff must also contact their mortgage provider or landlord as some mortgage and rental agreements do not permit any form of homeworking to take place on the premises. Evidence that such notification has taken place will be required.

5. **Agile Working Application**

5.1 **Making a request**

Those requesting agile working should apply directly to their line manager and Head of Service using the Agile Working Application Form. The application should clearly state the reasons for making the request and consider the impact it would have on the service detailing how any problems could be overcome.

Some applicants may be considered eligible for agile working under rights afforded by legislation - further information is set out in the Work Life Balance Policy.

5.2 **Dealing with a request**

Managers should be aware that some employees have a statutory right to ask for flexible working and that such requests must be dealt with within a legal framework and set time scale. Failure to follow the prescribed procedure could lead to a complaint being brought in an employment tribunal.

All applications should therefore be dealt with in consultation with the Human Resources team and a decision will be given, in writing to each applicant within 28 working days of receipt of the request.
5.3 Setting up an agile working arrangement

For an agile working arrangement to succeed, managers must be confident of the suitability of the individual concerned, have considered the impact on the service provision, the impact on colleagues and the work base to be used.

Points to consider:

The suitability of the individual applicant

- Can the applicant deliver work effectively without supervision?
- Do they demonstrate self-motivation, self-discipline and possess good time management skills?
- Do they have the ability to deal with reduced social contact and isolation?
- Do they demonstrate self-reliance and initiative?
- Do you consider them to be capable of adapting to the new arrangement?

Impact on service provision

- Whether the duties involve the delivery of a service that needs to take place at an official base i.e. is there a need for face to face interaction with colleagues or the public?
- If the duties involve the handling, processing or creation of data, can the employee obtain full access to the systems and information they require easily and quickly from home?
- Whether the work output can be clearly defined and monitored.
- Whether the necessary IT infrastructure is in place and the cost of providing any necessary equipment has been assessed.
- The need to ensuring adequate office presence.

Impact on colleagues

- How will it impinge on overall work operations?
- Will there be an impact on the team dynamic?
- What impact would changes have on the work of other employees?
- What would be the implications for management and supervision?

The suitability of the work base

- Whether the accommodation and work station satisfies Health and Safety requirements.
- Suitability of the base in relation to secure storage of equipment, information etc.
- Is there a need to restrict access to the work space by others.
- Impact of any distractions.

6. Considering an ‘Agile Working’ Request

6.1 Agile working arrangements will only be approved where the overall efficiency of the service is not adversely affected and the manager is satisfied that all circumstances are suitable.
Whilst there may be some ad-hoc informal agreements for which applications have not been submitted, all parties must be aware of, and abide by certain policies concerning security, confidentiality and health and safety.

The introduction of agile working will be subject to review and may require contractual agreement.

Individual contractual changes will be drafted by Human Resources following full consultation with the employee and their representatives (where appropriate) but line managers will need to agree:

- Tasks and objectives;
- The procedure for assessing and monitoring performance and output;
- Communication arrangements including agreement of when and how the employee can be contacted, employees home phone numbers are available from HR;
- Health and safety arrangements;
- Operational arrangements including details of any Council equipment to be used, secure storage of equipment, information, documents etc.
- Duration of the agreement and timescales for periodic review.

6.2 Where an application has been refused the employee can refer the matter to the relevant Director for further consideration.

6.3 **Homeworking Agreement**

If the agile working request includes an element of homeworking then the employee will also be required to sign a homeworking agreement tailored to suit their individual circumstances. The agreement will be drawn up in consultation with Human Resources and will supplement the contract of employment. This document will include:

- An undertaking to make work space available during working hours.
- An agreement to be available for core hours to speak to, or meet with colleagues and line managers.
- An agreement to accept home visits during normal working hours from management for work-related purposes / health and safety matters.
- Insurance requirements
- Termination of the agreement

7. **Equality Impact Assessment and Monitoring**

7.1 The operation of this policy will be monitored for its impact on different staff groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

8. **Data Protection Act 1998**

8.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with the requirements of the Data Protection Act 1998.